

REMARKS

In response to the above-identified Office Action, Applicants amend the Application and seek reconsideration in view of the following remarks. In this Response, Applicants amend claims 1-29. Applicants do not cancel or add any new claims. Accordingly, claims 1-29 remain pending in the Application.

I. Amendments to the Specification

Applicants submit a substitute specification. The substitute specification amends the originally-filed specification by capitalizing the trademarked term INFINIBAND and making other minor typographical errors. Applicants submit that the substitute specification includes no new matter.

In addition, Applicants' specification at paragraph [0024] provides generic terminology for the term "INFINIBAND." Therefore, the recitation of the term "INFINIBAND" is accompanied by generic terminology.

II. Claim Objections

The Patent Office objects to claim 13 because claim 13 includes the language "computed computing." Applicants have deleted the term computing from claim 13. Accordingly, Applicants respectfully request withdrawal of the objection to claim 13.

III. Claims Rejected Under 35 U.S.C. § 112

Claims 1, 5-6, 11-20, and 24-25 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Specifically, claims 1, 5-6, 11-20, and 24-25 each recite the trademarked term "INFINIBAND" (*see Paper No./Mail Date 20070831*, page 3). Applicants respectfully traverse the rejection.

MPEP § 608.01(v) states that if a "trademark has a fixed and definite meaning, it constitutes sufficient identification unless some physical or chemical characteristic of the article or material is

involved in the invention.” Applicants submit that the one skilled in the art attaches a fixed and definite meaning to the term “INFINIBAND.” That is, the term “INFINIBAND” has been adopted by the art as a term having a specific meaning and is, therefore, more than merely a trademarked term. Therefore, Applicants submit that the term “INFINIBAND” is a definite term. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 5-6, 11-20, and 24-25.

IV. Claims Rejected Under 35 U.S.C. § 102

Claims 1-6, 11-15, and 20-25 stand rejected under 35 U.S.C. § 102(a) as being anticipated by “InfiniBand™ Management Interoperability” by Gregory Pfister (“*Pfister*”) published on January 7, 2007. Applicants respectfully traverse the rejection, at least in view of the amendments to independent claims 1, 11, and 20.

To anticipate a claim, the cited reference must disclose each and every element of the rejected claim (*see* MPEP § 2131). Among other elements, claim 1, as amended, defines a method comprising the steps of:

- a) storing a set of database elements in a selected subnet manager;
- b) replicating the set of database elements in a non-selected subnet manager; and
- c) computing a derived version of the set of database elements independent of which of the plurality of subnet managers is selected to assume the master subnet manager function.

Applicants submit that *Pfister* fails to disclose at least these elements of claim 1.

In making the rejection, the Patent Office alleges *Pfister* discloses each of the elements of claim 1. Specifically, the Patent Office alleges that Page 8, paragraphs 1-2 of *Pfister* discloses that “each manager maintains copies of the operational data which can be used for failover,” which reads on the elements of computing derived database elements independent of which of the plurality of subnet managers assumes the master subnet manager function (Paper No./Mail Date 20070831, page 4). Applicants respectfully disagree with the Patent Office’s characterization of the disclosure in *Pfister*.

Page 8, paragraphs 1-2 of *Pfister* discloses that “the master and standby maintain separate copies of the data; each can have its own independent data format, and store the information using its own independent logging protocol.” Applicants submit that this section of *Pfister* discloses merely copying the data from the master into a standby manager, not “computing a derived version of the set of database elements independent of which of the plurality of subnet managers is selected to assume the master subnet manager function” in addition to “replicating the set of database elements in a non-selected subnet manager,” as recited in claim 1.

Paragraphs [0085]-[0091] of Applicants’ specification disclose that derived database elements are not merely a replicated copy of the database elements stored in the subnet manager, but rather, is a copy of the database elements that is derived or generated from the results of various data computations. That is, the derived version of the database elements is generated by performing computations with data from sources other than or in addition to the database elements stored in the subnet manager. Therefore, *Pfister*’s disclosure of maintaining a copy of the data in a standby manager does not disclose “replicating the set of database elements in a non-selected subnet manager” and “computing a derived version of the database elements,” as recited in claim 1 because *Pfister* only discloses copying data from the master manager into a standby manager.

The failure of *Pfister* to disclose each and every element of claim 1 is fatal to the anticipation rejection. Therefore, claim 1 is not anticipated by *Pfister*. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 1.

Claims 2-6 depend from claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 2-6 are not anticipated by *Pfister* at least for the same reasons claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-6.

Applicants submit that claims 11-15 and 20-25 each recite elements similar to the elements of claim 1 discussed above. Therefore, Applicants submit that claims 11-15 and 20-25 are not anticipated by *Pfister* at least for the same reasons claim 1, in addition to their own respective

features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 11-15 and 20-25.

V. Claims Rejected Under 35 U.S.C. § 103

Claims 7-10, 16-19, and 26-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Pfister* in view of “IP over InfiniBand (IPoIB) Architecture,” an Internet Draft, December 15, 2001, by Vivek Kashyap (“*Kashyap*”). Applicants respectfully traverse the rejection, at least in view of the amendments to independent claims 1, 11, and 20.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Claims 7-10, 16-19, and 26-29 depend from claims 1, 11, and 20, respectively, and include all of the elements of their respective independent claims. Applicants have discussed above the failure of *Pfister* to disclose at least the elements of, “replicating the set of database elements in a non-selected subnet manager” and “computing a derived version of the database elements,” as recited in independent claim 1 and similarly recited in independent claims 11 and 20, and submit that such discussion is equally applicable to an obviousness rejection of claims 7-10, 16-19, and 26-29 based on *Pfister*. Therefore, *Pfister* fails to teach or suggest each and every element of claims 7-10, 16-19, and 26-29. The Patent Office relies on the disclosure in *Kashyap* to cure the defects of *Pfister*; however, Applicants submit that *Kashyap* fails to cure such defects.

In making the rejection of claims 7-10, 16-19, and 26-29, the Patent Office characterizes *Kashyap* as teaching or suggesting “that data managed and used for operations by a subnet manager in an InfiniBand architecture can include a local identifier assignment,” “a tree determination,” and “a forwarding table assignment” (Paper No./Mail Date 20070831, pages 8-9, citing *Kashyap*, pages 4, 7, and 11, respectively). The Patent Office does not cite *Kashyap* as disclosing “replicating the set of database elements in a non-selected subnet manager” and “computing a derived version of the database elements,” as recited in each of claims 7-10 (via claim 1) and similarly recited in each of claims 16-19 and 26-29 (via claims 11 and 20, respectively). Moreover, in reviewing *Kashyap*,

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Applicants are unable to discern any sections of *Kashyap* as teaching or suggesting such elements. Therefore, *Kashyap* fails to cure the defects of *Pfister*.

The failure of the combination of *Pfister* and *Kashyap* to teach or suggest each and every element of claims 7-10, 16-19, and 26-29 is fatal to the obviousness rejection. Therefore, claims 7-10, 16-19, and 26-29 are not obvious over *Pfister* in view of *Kashyap*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 7-10, 16-19, and 26-29.

VI. Miscellaneous

Applicants have made various amendments to claims 2-10, 12-19, and 21-29 so that various elements recited in these claims are consistent with their respective independent claims. Applicants also make amendments to the claims to correct grammatical errors.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Patent Office believes that a telephone conference would be useful in moving the application forward to allowance, the Patent Office is encouraged to contact the undersigned at (480) 385-5060 or jgraff@ifllaw.com.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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